

The Future of Kurds in Iraq

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Abstract: The immediate consequences of Iraqi Kurdistan region's independence referendum give the impression that the Kurdish people have suffered irreversible losses both politically and economically as a result of holding the referendum. However, while the Kurdistan Regional Government (KRG) has indeed suffered in terms of territorial control, the economy, and a loss of administrative powers, a careful examination of the referendum's drivers and aftermath reveals that the KRG's losses are reversible and that the referendum has by and large served its intended purposes.

Ongoing developments and statements by Kurdish officials have revealed that the main driver behind the KRG's referendum was not to achieve immediate independence, but rather it was a political manoeuvre to maintain its administrative and territorial privileges. Equally, the Iraqi government's goal in imposing sanctions on the KRG and its forceful retaking of disputed territories appears to go beyond its declared goal of protecting the territorial integrity of Iraq. Recent statements and decisions taken by the Iraqi government indicate that Baghdad is seeking to re-define its relationship with the KRG. This article examines the aftermath of the KRG's independence referendum and future of the relationship between the federal government in Baghdad and the KRG.

The Independence Referendum

In the period leading up to the independence referendum, a political stalemate paralyzed the Kurdistan Regional Government (KRG) due to disagreements among rival political parties over what should happen with the region's presidency.¹ Massoud Barzani's presidential term was supposed to have ended by August 2015. However, President Barzani and his Kurdistan Democratic Party (KDP) were reluctant to give up the post because, they argued, the region needed Barzani's leadership as it was going through a war with the Islamic State (IS).² The disagreement sparked protests, which later turned violent, in Sulaymaniyah province, which is home to the opposition Gorran Movement. In response, the ruling KDP banned the Gorran Movement's members of parliament from entering the region's capital, Erbil, where the parliament buildings are based.³ Several commentators contend that Barzani's decision to hold the referendum was mostly driven by his desire to prolong his term as president. This paper, however, argues that other drivers, such as the need for leverage to maintain unconstitutional territorial gains made between 2005–2017 and the internationalization of the future settlement of outstanding issues with Baghdad were the major driving forces behind holding the referendum. The consequences of holding the independence referendum will fundamentally re-define the federal relationship between Baghdad and the KRG.

That relationship will never be the same after the Kurdistan Region of Iraq's (KRI) independence referendum, held on Sept. 25, 2017. The Iraqi government perceives the current Kurdish regional government as a threat to Iraq's territorial integrity. The relationship between Baghdad and Erbil was not

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exactly harmonious⁴ before the referendum; however, the KRG was considered by the Iraqi government to be an integral part of the political system in Iraq. Iraqi Kurds have been holding senior positions in successive Iraqi governments since the formation of the Governing Council in 2003.⁵ The current President of Iraq is an Iraqi ethnic Kurd,⁶ the Minister of Culture is an ethnic Kurd,⁷ and the position of Deputy Prime Minister was held by an Iraqi Kurd, Barham Saleh, Ministries including the Foreign Ministry and Finance Ministry have been headed by Iraqi ethnic Kurds during previous governments (2005–2017). Today, several Iraqi government officials and many members of the Iraqi Parliament view the KRG's independence referendum as a violation of the Iraqi constitution⁸ which, in their view, amounts to treason.⁹

The initial observations¹⁰ about the circumstances and drivers which preceded the KRG independence referendum have unveiled some oft-overlooked nuances. For example, the then-president of the KRG, Masoud Barzani, had the Iraqi flag next to the KRG's flag behind him during a speech broadcast on the eve of the referendum.¹¹ The presence of the Iraqi flag, while symbolic, sent conflicting messages about the true intentions behind holding the independence referendum. In addition, the KRG did not co-ordinate with regional states to secure their support or at least their neutral position towards the planned referendum. The Iraqi Kurdish leadership did not put any meaningful effort into introducing their to-be-declared independent state as a proposed member of the Middle East club.

The KRG made it clear after the independence referendum that the referendum was not meant to lead to immediate independence and that it should only be viewed as an internal Iraqi-Kurdish affair which had nothing to do with Kurdish struggles in neighbouring countries. Therefore, the KRG did not see any reason for Iran, Turkey, or Syria to be concerned about the implications of the referendum for their Kurdish communities.

Despite the KRG's assurances, Iran and Turkey have taken concrete measures to ensure that the independence referendum is unable to achieve any meaningful results. Iran has closed border crossings with the KRG, suspended all flights to and from the KRG, and suspended security and diplomatic cooperation with the KRG. Turkey has taken similar measures for a limited period of time, and the Turkish government has since gradually alleviated these measures. The border crossing between Turkey and the KRG was re-opened soon after the referendum. Yet, there are still no flights between the KRG and Turkey and diplomatic relations are yet to be fully restored. There are indications that Iran is to re-open all border crossings and resume normal diplomatic relations with the KRG.¹² Iran and Turkey have vested interests in maintaining the status quo for Kurds in Iraq. In other words, Turkey and Iran wish to see Iraqi Kurds under the control of the central government of Iraq.

The KRG responded wisely to local, regional, and international pressure by taking immediate measures to defuse the crisis with Baghdad. Barzani resigned in practice soon after the independence referendum.¹³ The post of the president was abolished and his powers were distributed among the executive, legislative, and judicial branches of the KRG. Furthermore, the prime minister of the KRG made a public statement that his government was willing to cooperate with the federal government to deploy immigration officials in



the region's airports and on border crossings. The KRG also stated that it respected the Iraqi constitutional court's decision ruling that the referendum was unconstitutional, and additionally called on the Iraqi government to start a dialogue to resolve pending issues such as disputed territories, administrative powers, budget distribution, the payment of salaries in the KRI, and other aspects defining the relationship between Baghdad and the KRG. On Jan. 20, 2018, KRG Prime Minister Nechirvan Barzani headed a delegation to meet Iraqi Prime Minister Abadi in Baghdad. The meeting represented a breakthrough in the post-referendum standoff between the Iraqi government and the KRG.¹⁴ The pair were reportedly due to meet for the second time at the World Economic Forum in Davos, Switzerland.¹⁵ It is yet to be seen what outcomes will emerge from these meetings between senior officials in the KRG and Iraqi government. However, both sides will likely work hard to resolve major outstanding issues ahead of the upcoming federal elections.

Post-ISIS Relations Between Baghdad

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Iraq is set to hold general elections on May 12, 2018. The Shia political parties who rule the country will soon start negotiating often politically expensive deals with Kurdish and Sunni political parties in order to secure their re-election and consolidate their grip on power. Kurdish political parties are certainly powerful political actors in Iraq, and they are expected to secure approximately 58¹⁶ out of 238 seats in the upcoming Iraqi Parliament. Traditionally, Kurdish political parties have entered general elections in Iraq either as one Kurdish bloc or as individual parties to

be united in one bloc after the elections, taking into consideration the electoral law and system of voting adopted by the Iraqi electoral commission. Kurdish political parties are more divided now than ever due to internal rivalry over power and the recent fiasco of losing Kirkuk and other disputed territories shortly after the independence referendum. As Falah Mustafa, the head of the KRG's Department of Foreign Relations (DFR), said in a recent interview, "we are working on uniting Kurdish political parties ahead of the upcoming elections in Iraq... even if we enter the elections as individual parties, we shall work on forming a [Kurdish] political bloc after the elections".¹⁷

The aftermath of the independence

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referendum represents a good chance for both the Iraqi government and the KRG to redefine their constitutional relationship.¹⁸ There are opposing perceptions on both sides. On the one hand, the KRG feels that Baghdad treatment of Kurds has been unjust and unconstitutional. On the other, the federal government in Baghdad claims that the KRG has been enjoying unconstitutional privileges, some of which violate Iraq's sovereignty.¹⁹ The only way forward is dialogue based on mutual respect for the Iraqi constitution and Iraq's sovereignty.²⁰ The path to normalization of relations between the Iraqi federal government and the KRG is not straightforward. The interpretation of the Iraqi constitution's articles is contested, and many articles are open to different interpretations. The Iraqi constitutional court is often accused by Kurdish and Arab Sunni officials of politicized rulings due to political pressure from the executive branch



- the Iraqi government.
A new political, economic, and administrative

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contract between the Iraqi federal government and the KRG is now forming. Delegations from the KRG are holding meetings with federal government officials to discuss re-defining the relationship between Baghdad and Erbil. The most likely scenario will be drafting a roadmap between the Iraqi government and the KRG to resolve outstanding issues at the pre and post elections stages depending on urgency and priority. For example, the payment of salaries to KRG's employees, lifting the ban on international flights to and from the KRG, and the region's budget share and the release of that budget share are urgent issues to be agreed upon ahead of the elections. Issues such as the settlement of the disputed territories, the administrative powers of the KRG over the exploration, export, and sale of natural resources, KRG's diplomatic representative offices abroad, and the relationship between the Kurdish paramilitaries known as the Peshmerga and the chain of command of the Iraqi Army will be settled after elections through specialized committees formed specifically for each issue.

The Future of Kurds in Iraq

The KRG delegation's meeting in Baghdad on Jan. 20, 2018 is a sign of progress towards normalizing KRG–Baghdad relations. However, Kurdistan Regional Government officials are sceptical about the Iraqi government's intentions towards the Kurds. In response to a question about the nature of the current relationship between Baghdad and the KRG, the head of the KRG's

Department of Foreign Relations, Falah Mustafa, stated that:

"We cannot call it a relationship. When the people of Kurdistan realised they have no future in Iraq they decided to go to a referendum, so they are seeking a different relationship with Baghdad ... that right was not granted ... they were obliged to remain within Iraq. But now Baghdad does not treat them [Kurds] as if they are part of the country ... Baghdad feels they are victorious ... It is the kind of situation where the winner takes all ... It is a zero-sum game where Baghdad takes 100% and Erbil takes 0%. This is not a good recipe for stability".²¹

Equally, the Iraqi government claims that the KRG cannot be trusted as a partner after threatening the territorial integrity of Iraq. The Iraqi government insists that Iraqi Kurds are treated as equal citizens without any discrimination. Mustafa describes statements and promises made by the Iraqi government as, "Baghdad says something and does exactly the opposite". However, the Iraqi government claims that the KRG has been behaving like an independent state rather than a federal region within Iraq.²²

There are obvious signs of mutual mistrust, deeply rooted in Iraq's political history, between the Iraqi federal government in Baghdad and the KRG. For the KRG, independence is a long-term goal whether as an independent state or within a confederal Iraq. For the foreseeable future, Baghdad will most likely view the KRG as a threat to Iraq's territorial integrity. On the one hand, the independence referendum served one of its purposes, namely, [re]internationalising the Kurdish question in Iraq. Since the referendum, several regional and Western states have proposed initiatives to resolve the standoff between Baghdad and Erbil. The involvement of a third party in arbitrating differences between Baghdad and the KRG is



a win for the Kurdish region. On the other hand, the Iraqi federal government took advantage of regional and international opposition to the creation of an independent Kurdish state to redefine its relationship with the Kurdistan region of Iraq in such a way that re-centralizes it in Baghdad. The KRG's independence referendum forced a new phase of Baghdad-Ankara rapprochement, revealed the level of coordination and cooperation between Baghdad and Tehran, and exposed the limits of Western support to the Kurdistan regional government.

In Davos, Abadi told reporters on Jan. 25, 2018

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that the KRG had agreed to place its exports and sale of oil under the control of the federal government in Baghdad. At the same time, Abadi announced that the Iraqi federal government had already started paying the salaries of employees in the Kurdistan region of Iraq. The process of defining the relationship between the Iraqi federal government and the KRG will most likely take at least 12 to 18 months, during which outstanding issues will likely be settled. The outcome of this process will shape the future of Kurds in Iraq.

Endnotes



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